



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 5, 1998

Mr. William M. Toles  
Assistant City Attorney  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR98-1856

Dear Mr. Toles:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID#117358.

The City of Dallas Police Department (the "department") received a request from an attorney representing a former police officer for all files pertaining to the officer's employment. Some of the submitted documents are medical records. You assert that the medical records are excepted from public disclosure in order "to protect the privacy of the subject of the information."

Access to medical records is governed by provisions outside the Open Records Act. Open Records Decision No. 598 (1991). The Medical Practice Act (the "MPA"), article 4495b of Vernon's Texas Civil Statutes, protects from disclosure "[r]ecords of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician." V.T.C.S. art. 4495b, § 5.08(b). The MPA provides for both confidentiality of medical records and certain statutory access requirements. *Id.* at 2. The medical records submitted to this office for review may only be released as provided by the MPA. We note that the requestor represents the individual who is the subject of the medical records. Section 5.08(g)(2) provides that an exception to confidentiality exists when "the patient or someone authorized to act on his behalf submits a written consent to the release of any confidential information."

The remaining records are not medical records. As you have raised no other exceptions to disclosure, the remaining records must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 117358

Enclosures: Submitted documents:

cc: Mr. Michael L. Cronig  
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(w/o enclosures)